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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,378	07/11/2003	Stefan Eder	59498 (45107)	4908

21874 7590 04/06/2007  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
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BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/618,378

Applicant(s)

EDER ET AL.

Examiner

Tesfaldet Bocure

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/18/07</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Drawing Corr.</u>                      |

**DETAILED ACTION**

***Drawings***

1. The drawings were received on 1/18/07. The Examiner accepts these drawings.

***Information Disclosure Statement***

2. The Examiner has considered the Information Disclosure Statement (IDS) received on 1/18/07 and the initialed copy (one page) of the IDS is attached with this correspondence.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildfeuer et al., Wildfeuer hereinafter (US patent number 6,829,244 B1, of record) in view of Jacobsmeyer (US patent number 5,541,955, newly cited).

Wildfeuer teaches a communication system (fig.1) having transceiver units (106a and 106b), wherein each of the transceiver units comprising: a corresponding clock sources (118a and 118b) for transmitting and receiving data; and the data received at slow rate is stored for further playback, claimed ---with which an average the receiver receives the digital value, as in claims 1,13 and 15.

Further to claims 2, 3, 8-12 Wildfeuer also teaches that:

the received signals are stored in jitter buffer 214 in a the case where the received data are slow depending on the clock differences between the transmitting side and the receiving side (see col. 2, lines 43-67) as in claim 2; reconstructing the received data as in claim 3 (see decoder in figure 2); one of the transceiver unit, either 106a or 106b can be a transmitter and adjust its clock signal (clock 118 a or 118b) as in claim 8 and receives digital data and adjust the clock signal as in claim 9; the signal to be transmitted to the receiving modems 102a or 102b is inherently converted to analog for voice transmission as in claim 10; the telephone service is communicated through packet network 110 as in claim 11; and having CODEC202 for encoding and decoding the signal to be transmitted and received respectively as in claim 12.

Wildfeuer does not show that the transmitter clock is adjusted to correspond to the receiver's clock as in claims 1, 13 and 15. Jacobsmeyer for the same endeavor as the instant application and that of Wildfeuer teaches a rate adoption system having a transmitter and a receiver, wherein the receiver transmits feedback information pertaining to clock rate of the receiver to the transmitter so that the transmitter having a phase locking loop (figs 5 and 21) for adjusting its clocking rate to match to that of the receiver (see fig. 1).

Further to claim 5, the clock generators 118a and 118b having inherent oscillator. However, Wildfeuer does not show clearly that the clock generators having means for adjusting the operation of the oscillator as in claim 4 and the clock output signal being divided as in claim 6. Jacobsmeyer for the same endeavor as the instant application

and that of Wildfeuer teaches clock rate adapting circuit with a phase locking loop having a divider for dividing the frequency of the internally generated clock frequency to match to that of the received clock frequency.

Therefore, it would have been obvious to one of an ordinary skill in the art to adjust the phase or frequency of the incoming signal with that of the internally generated clock signal at the time the invention was made.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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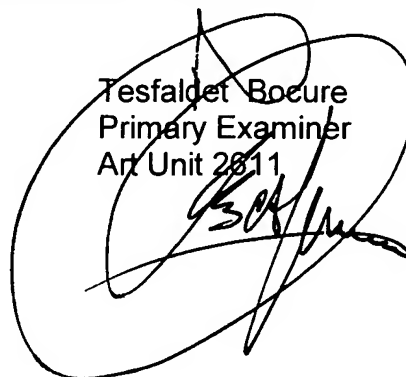
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti (Jay) Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.Bocure

Tesfaldet Bocure  
Primary Examiner  
Art Unit 2611



## Replacement Sheet

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FIG 1

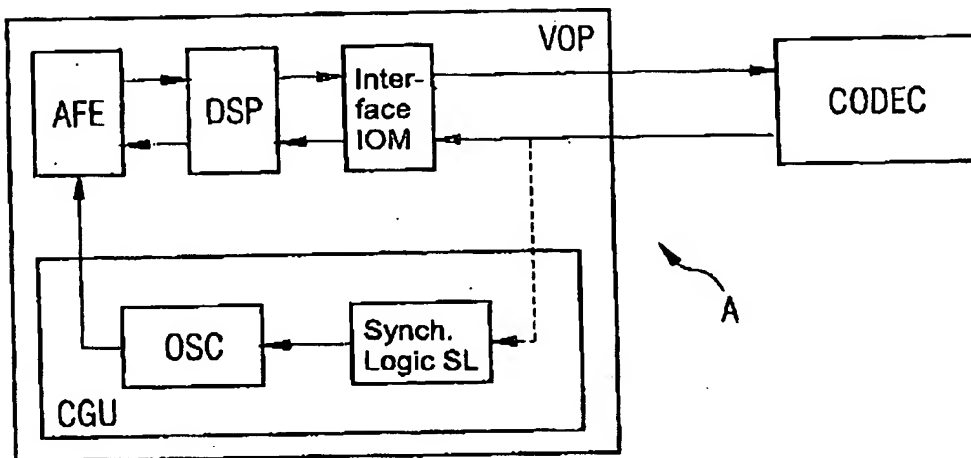
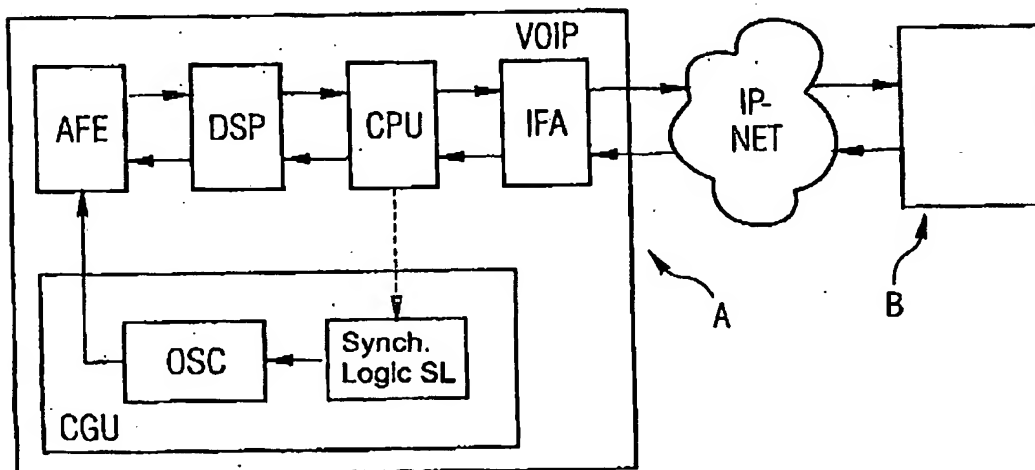


FIG 2



## Replacement Sheet

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FIG 3

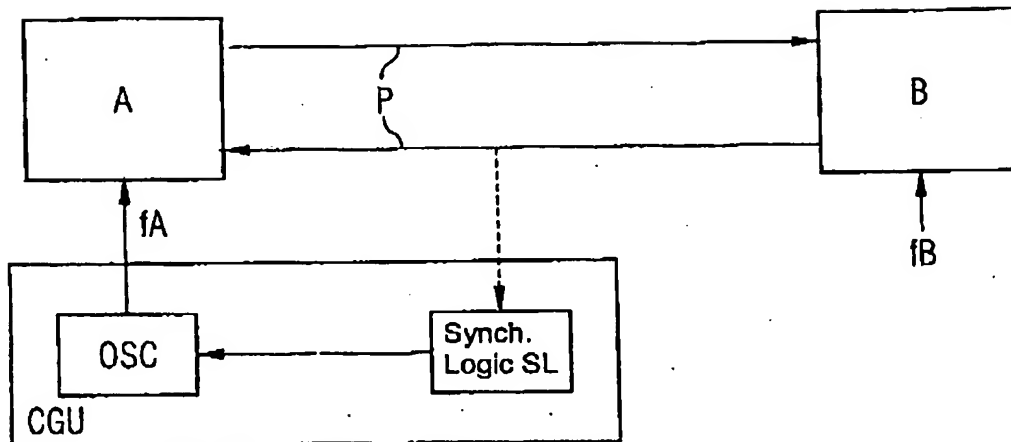


FIG 4 PRIOR ART

